

**WILLIAM J. PENNINGTON III**  
ATTORNEY AT LAW

P.O. BOX 403  
WESTFIELD, MA 01086-0403

PHONE/FAX: (413) 562-3341

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PRACTICE LIMITED TO  
MATTERS BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION

October 8, 1996

William F. Caton, Acting Secretary  
Federal Communications Commission  
1919 M Street, NW  
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

RE: Comments and Counterproposal in MM Docket No. 96-170;  
RM 8844. (Franklin, Louisiana).

Dear Mr. Caton:

Transmitted herewith, on behalf of White Castle Broadcasting, is an original and four (4) copies of their Comments and Counterproposal in the above-captioned rule making proceeding. A copy of this material was timely filed with the Commission, via facsimile, on October 7, 1996. The attached material represents the original and four copies as required by Commission rules.

Should additional information be needed regarding this matter please do not hesitate to contact the undersigned.

Sincerely,

  
William J. Pennington, III  
COUNSEL TO WHITE CASTLE BROADCASTING

Enc.  
WJP/klm

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List A B C D E

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

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In the Matter of )  
 )  
Amendment of Section 73.202(b) ) MM Docket No. 96-170  
Table of Allotments ) RM-8844  
FM Broadcast Stations )  
(Franklin, Louisiana) )

Directed to: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

COMMENTS AND COUNTERPROPOSAL OF WHITE CASTLE BROADCASTING

White Castle Broadcasting (hereinafter "WCB"), through counsel, hereby submits its comments and counterproposal in the above-captioned rule making proceeding. It is counterproposed that FM Channel 295A be allotted to White Castle, Louisiana as its first local FM broadcast service. In support whereof the following is shown:

1. The petitioner in this proceeding, Annette G. Thompson, has sought the allocation of Channel 295C3 to Franklin, Louisiana as a second local FM broadcast service. Channel 288A is presently allocated to Franklin, Louisiana. Station KFMV(FM) is presently authorized for operation on that frequency.

2. WCB counterproposes the use of Channel of Channel 295A to White Castle as a first local FM service. Exhibit 1 is a channel spacing study which shows that Channel 295A may be allocated to White Castle with a site restriction of seven kilometers to the

south of the community. Exhibit 2 shows that from this location a Class A facility operating with maximum facilities would easily place a 70 dBu service contour completely over the community of White Castle.

3. White Castle, an incorporated community in Iberville Parish, had a 1990 population of 2,102 persons. If Channel 295A were allotted to White Castle it would represent the first commercial FM allotment in Iberville Parish which had a 1990 population of 31,049 persons.

4. Since the allotment of Channel 295A to White Castle would provide a first local FM service, this counterproposal would create a higher allotment priority than the petitioners request for a second local FM service to Franklin.

5. Should the Commission allot Channel 295A to White Castle, WCB will file an application seeking a construction permit to build the new station. If granted the construction permit, WCB will immediately construct the new facility.

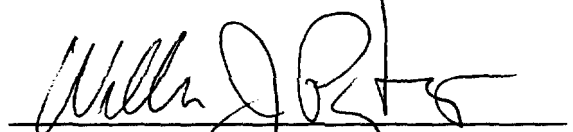
6. In sum, it is requested that the Commission make the following change in the Table of FM Allotments:

ALLOTMENTS		
<u>COMMUNITY</u>	<u>EXISTING</u>	<u>PROPOSED</u>
White Castle, LA	None	295A

WHEREFORE, White Castle Broadcasting respectfully requests that the Commission allot Channel 295A as a first FM service to White Castle, Louisiana.

Respectfully submitted,

**WHITE CASTLE BROADCASTING**

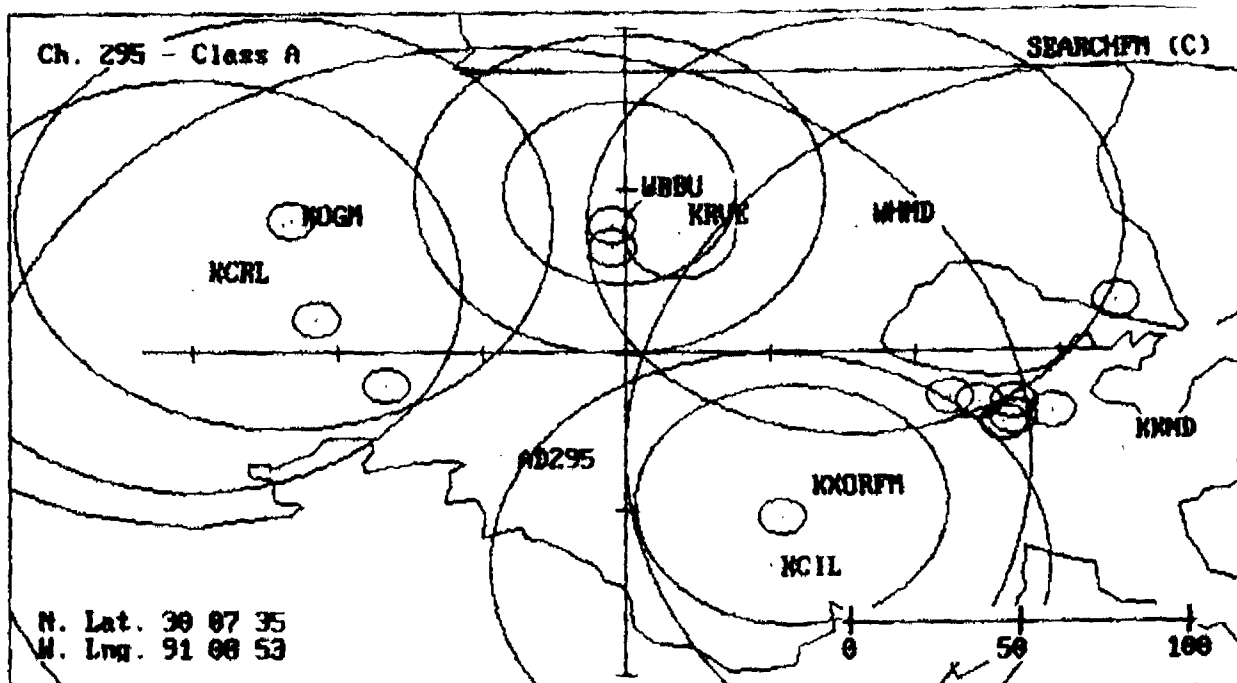


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William J. Pennington, III  
Its Attorney

William J. Pennington, III  
Attorney at Law (NC & SC BARS ONLY)  
Post Office Box 403  
Westfield, LA 01086  
(413) 562-3341

October 6, 1996



EXHIBIT

white castle

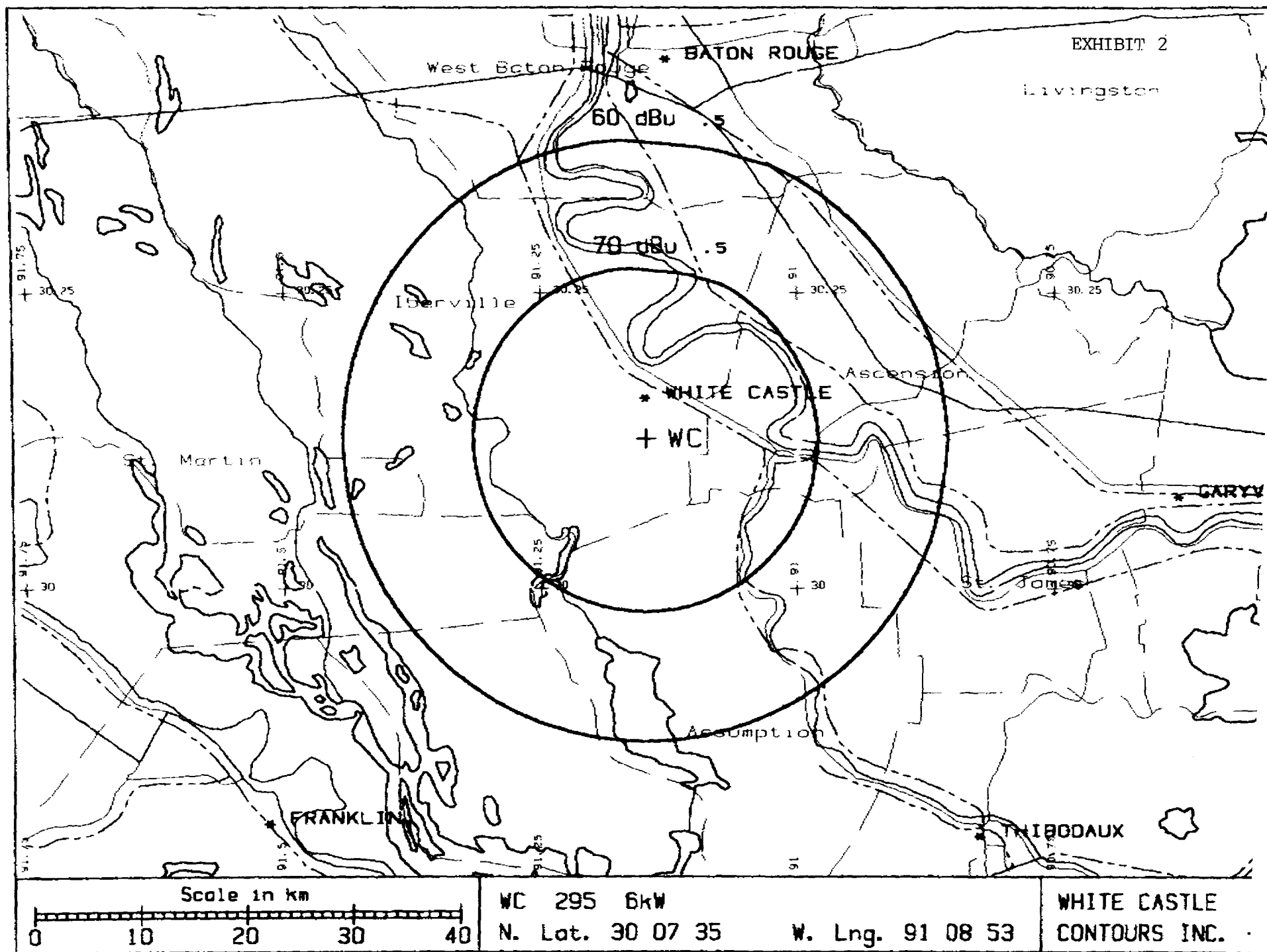
Data 10-04-96

Current rules spacings

CHANNEL 295 -106.9 MHz

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
AD295	295C3	Franklin	LA	223.0	50.26	142.0	-91.74 *
KQXLPM	293C2	New Roads	LA	358.4	55.12	55.0	0.12 <
WHMD.C	296A	Hammond	LA	55.6	74.97	72.0	2.97 <
WHMD	296A	Hammond	LA	55.6	74.97	72.0	2.97 <
KKND	294C1	Port Sulphur	LA	104.8	138.37	133.0	5.37
KCIL	298C1	Houma	LA	152.5	84.92	75.0	9.92
WBBU	297A	Baker	LA	358.4	55.12	31.0	24.12
KXORFM	292C3	Thibodaux	LA	140.3	68.90	42.0	26.90
KRVE	241C2	Brusly	LA	18.8	42.91	15.0	27.91
KOGM	296A	Opelousas	LA	295.7	102.09	72.0	30.09
KCRL	294A	Rayne	LA	280.8	118.34	72.0	46.34

EXHIBIT 2

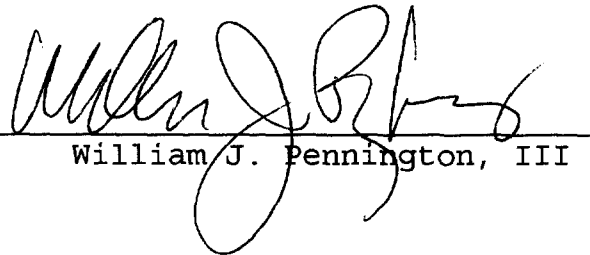


**CERTIFICATE OF SERVICE**

I certify that the Comments and Counterproposal of White Castle Broadcasting were mailed first class, postage prepaid, on October 7, 1996 to the following:

Vincent J. Curtis, Esq.  
Fletcher heald & Hildreth, P.L.C.  
1300 North 17th Street  
11th Floor  
Rosslyn, VA 22209

**COUNSEL TO ANNETTE G. THOMPSON**



William J. Pennington, III